

REMARKS/ARGUMENTS

Claims 1-4, 6-15, and 17-44 are pending. Claims 21, 22, and 26 have been canceled. Claims 33-44 have been added.

Support for the amendment to Claims 1, 12, and 32 is found in paragraph 0023 and in Claims 15 and 16. Claims 5 and 16 have been rewritten in independent form and contain the same limitations of the same scope. Support for the amendment to Claim 21 is found in paragraph 0023. Support for new Claims 33-36 is found in Figure 2 and original Claim 21. Support for new Claim 37 is found in paragraph 0023. Support for new Claims 38-41 is found in paragraph 0020. Support for new Claims 42-44 is found in original Claim 26. It is respectfully submitted that no new matter has been added.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4, 6, 11, and 32 were rejected by the Patent Office under 35 U.S.C. § 102(b) as being anticipated by Cannon et al., U.S. Patent No. 6,104,582.

For a claim to be anticipated, each and every non-inherent limitation must be disclosed by a single reference. M.P.E.P. § 2131

Claims 1-4, 6, 11, and 32 recite “the plurality of devices includes devices of different susceptibilities” and “querying a database of devices.” Cannon shows a computer contacts a weather service (Figure 2) and discloses powering down a system upon receipt of a storm alert (column 2, lines 9-17; column 3, lines 10-24), but does not disclose querying a database or devices having different susceptibilities. Thus, Claims 1-4, 6, 11, and 32 are not anticipated by Cannon.

Claim Rejections – 35 U.S.C. § 103

Claims 5, 10, 21-26, 30, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon et al., U.S. Patent No. 6,104,582.

When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness

of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined. *See MPEP § 2141 and Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 220 USPQ 182, 187 n.5 (Fed. Cir. 1986).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

Claim 5 recites "querying a database of devices." Cannon does not disclose or suggest this limitation. Thus, Claim 5 is allowable over Cannon.

Claims 10, 21-26, 30, and 31 recite "the plurality of devices includes devices of different susceptibilities." Cannon does not disclose or suggest this limitation. Thus, Claims 10, 21-26, 30, and 31 are allowable over the prior art of record.

Claims 7-9, 12-20, and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cannon et al., U.S. Patent No. 6,104,582, in view of Cragun, U.S. Patent No. 6,177,873.

Claim 16 recites "querying a database of devices." Neither Cannon nor Cragun disclose or suggest this limitation. Thus, Claim 16 is allowable over Cannon or Cragun, alone or in combination.

Claims 7-9, 12-20, and 27-29 are allowable for the reasons discussed above.

New Claims 33-44 are also believed to be allowable over the prior art of record.

CONCLUSION

In light of the foregoing arguments and amendments, reconsideration of all pending claims is requested, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,
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